

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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HUDSON NEUROSURGERY, PLLC, et al.,

Plaintiffs,

-against-

20 CIVIL 9642 (KMK)

**JUDGMENT**

UMR, INC.,

Defendant.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Opinion & Order dated September 28, 2023, Defendant's Motion To Dismiss is granted. Plaintiffs have already amended their complaint once after being put on notice of its deficiencies. See Hudson Neurosurgery, 2022 WL 902107, at \*6 (rendering "the first adjudication of Plaintiff's claims on the merits"). "To grant Plaintiffs leave to amend would be allowing them a 'third bite at the apple,' which courts in this district routinely deny." Binn v. Bernstein, No. 19-CV-6122, 2020 WL 4550312, at \*34 (S.D.N.Y. July 13, 2020) (collecting cases), report and recommendation adopted, 2020 WL 4547167 (S.D.N.Y. Aug. 6, 2020); cf. Nat'l Credit Union Admin. Bd. v. U.S. Bank Nat'l Ass'n, 898 F.3d 243, 25758 (2d Cir. 2018) ("When a plaintiff was aware of the deficiencies in his complaint when he first amended, he clearly has no right to a second amendment even if the proposed second amended complaint in fact cures the defects of the first. Simply put, a busy district court need not allow itself to be imposed upon by the presentation of theories seriatim." (alteration, footnote, and quotation marks omitted)). Plaintiffs' claims are therefore dismissed with prejudice; accordingly, the case is closed.

**Dated:** New York, New York

September 28, 2023

**RUBY J. KRAJICK**

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**Clerk of Court**

**BY:**

*K. Mango*

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**Deputy Clerk**